

March 11, 2022

VIA CM-ECF

The Honorable Sarah L. Cave
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *DoorDash, Inc. v. City of New York*, No. 21 Civ. 7695-AT-SLC
Portier, LLC v. City of New York, No. 21 Civ. 10347-AT-SLC
Grubhub Inc. v. City of New York, No. 21 Civ. 10602-AT-SLC

Dear Judge Cave:

Pursuant to the Court's Individual Practices II.B. and the Court's March 8, 2022 Order (Dkt. 59),¹ Plaintiffs DoorDash, Inc., Portier, LLC, Grubhub Inc., and Defendant City of New York respectfully submit this joint letter request to explain the parties' proposed modifications to the Court's Model Confidentiality Stipulation and Proposed Protective Order.

As demonstrated in the attached redline comparison, the parties' proposed Protective Order differs from the Court's model in the following ways:

- Adds references to the consolidated nature of the three actions;
- Adds "Confidential Information" as a defined term for ease of reference;
- Elaborates upon the permissible scope of disclosure of Confidential Information, given the unique nature of the consolidated actions, including that Plaintiffs in each action are direct competitors of each other and may produce materials containing trade secrets and/or other competitively sensitive information;
- Provides additional guidance regarding permissible treatment of Confidential Information among the parties, counsel, staff, and vendors, in order to clarify the parties' obligations and eliminate the need for a second level of confidentiality designation such as "Attorneys' Eyes Only";
- Addresses the possibility of partial designations and procedures for removing designations;

¹ For convenience, docket references are to *DoorDash, Inc. v. City of New York*, No. 21 Civ. 7695-AT-SLC, though the Order was entered in each action.

The Honorable Sarah L. Cave
March 11, 2022
Page 2

- Provides additional guidance on how and when a party may request that Confidential Information be filed (or provisionally filed) under seal or with redactions;
- Expands upon the process the parties should follow if they receive subpoenas calling for the production of material designated as Confidential Information; and
- Adds additional lines for signatures and names in Exhibit A.

The parties have agreed upon the proposed changes and respectfully request Your Honor enter the proposed Protective Order.

Respectfully submitted,

/s/ Anne Champion
Anne Champion

Counsel for Plaintiff DoorDash, Inc.

/s/ Roberta A. Kaplan
Roberta A. Kaplan

Counsel for Plaintiff Portier, LLC.

/s/ Karen B. Selvin
Karen B. Selvin

Counsel for Defendant City of New York

/s/ Joel L. Kurtzberg
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Counsel for Plaintiff Grubhub Inc.

cc: All counsel of record (via ECF)

Enc.